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**From:** Johnson, Ken-E [Johnson.Ken-E@epa.gov]  
**Sent:** 9/1/2022 2:36:06 PM  
**To:** Maples, Brandon [Maples.Brandon@epa.gov]; Ussery, Ian [Ussery.Ian@epa.gov]; Friesenhahn, Brody [friesenhahn.brody@epa.gov]; Ellinger, Scott [Ellinger.Scott@epa.gov]; Bierschenk, Arnold [bierschenk.arnold@epa.gov]; Ray, Lauren [Ray.Lauren@epa.gov]; Chaudhary, Sona [Chaudhary.Sona@epa.gov]; Liu, Matthew [Liu.Matthew@epa.gov]  
**Subject:** FW: Media Inquiry - Class VI Wells

FYI

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**From:** Przyborski, Jay <Przyborski.Jay@epa.gov>  
**Sent:** Thursday, September 1, 2022 9:04 AM  
**To:** Welton, Patricia <Welton.Patricia@epa.gov>; Henson, Tucker <Henson.Tucker@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>; Andrews, Suzanne <Andrews.Suzanne@epa.gov>  
**Cc:** Robledo, Joseph <Robledo.Joseph@epa.gov>; Maguire, Charles <maguire.charles@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>; McGuire, James <McGuire.James@epa.gov>; Johnson, Ken-E <Johnson.Ken-E@epa.gov>; Brown, Jamesr <brown.jamesr@epa.gov>  
**Subject:** RE: Media Inquiry - Class VI Wells

Yes, and the primacy review process is done out of Ken and Jim's group. I've copied them.

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**From:** Welton, Patricia <Welton.Patricia@epa.gov>  
**Sent:** Thursday, September 1, 2022 8:33 AM  
**To:** Henson, Tucker <Henson.Tucker@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>; Przyborski, Jay <Przyborski.Jay@epa.gov>; Andrews, Suzanne <Andrews.Suzanne@epa.gov>  
**Cc:** Robledo, Joseph <Robledo.Joseph@epa.gov>; Maguire, Charles <maguire.charles@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>; McGuire, James <McGuire.James@epa.gov>  
**Subject:** RE: Media Inquiry - Class VI Wells

I believe this should be going through Suzanne and Jay as leads.

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**From:** Henson, Tucker <Henson.Tucker@epa.gov>  
**Sent:** Thursday, September 1, 2022 8:26 AM  
**To:** McDonald, Scott <mcdonald.scott@epa.gov>  
**Cc:** Robledo, Joseph <Robledo.Joseph@epa.gov>; Maguire, Charles <maguire.charles@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>  
**Subject:** RE: Media Inquiry - Class VI Wells

I'm not certain as to whether delegation is proper to LA. The WQ program has the decision in this matter.

## Ex. 5 Deliberative Process (DP)

So long as we retain the authority to ensure CCR results in permanent storage (but specifically, under delegations, stating that LA can't add pressure to an over-pressurized formation), it seems reasonable to delegate this authority.

Tucker Henson

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**From:** McDonald, Scott <mcdonald.scott@epa.gov>

**Sent:** Wednesday, August 31, 2022 3:54 PM

**To:** Henson, Tucker <Henson.Tucker@epa.gov>

**Cc:** Robledo, Joseph <Robledo.Joseph@epa.gov>; Maguire, Charles <maguire.charles@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>

**Subject:** FW: Media Inquiry - Class VI Wells

**Importance:** High

Tucker,

Please read e-mail below from Joe in Region 6 XA. I remember you and I reviewing the TRRC' pre-application for primacy over Class VI wells. See info below. It seems to me that the responses to questions provided below by James Brown's group in Water Quality are accurate and complete. Do you have anything to add?

Tricia and Bryant: I copied you to inform that the questions and responses below are being sent to the front office tomorrow afternoon (I assume).

Thanks,  
Scott

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**From:** Robledo, Joseph <Robledo.Joseph@epa.gov>

**Sent:** Wednesday, August 31, 2022 3:37 PM

**To:** Maguire, Charles <maguire.charles@epa.gov>; McDonald, Scott <mcdonald.scott@epa.gov>

**Cc:** Brown, Jamesr <brown.jamesr@epa.gov>

**Subject:** Media Inquiry - Class VI Wells

**Importance:** High

Hi Charles and Scott,

We are needing your approval to send the below responses up to front office for submittal. Jamesr Brown and his staff have concurred with the below information, **we will need your concurrence by 10:00 AM tomorrow morning at the latest.** Let me know if you have any questions or concerns.

**Question #1.** The state of Texas (the Texas Railroad Commission) has submitted a pre-application for primacy over Class VI wells, correct?

Yes the RRC submitted their pre-application package for Class VI Primacy.

**Question #2.** Is EPA reviewing Texas pre-application?

Yes, the EPA is currently reviewing the RRC crosswalk application.

**Question #3.** What exactly is involved in a pre-application? How is it different than an actual application?

The primacy approval process typically involves 4 phases: 1) Pre-application, 2) Completeness Review and Determination, 3) Application Evaluation, and 4) Rulemaking & Codification). During Phase 1, the EPA regional office works with the State to submit the draft application so that problems can be identified and resolved in the early stages. The crosswalk is reviewed line by line by the region (RC Regional Counsel and Underground Injection Control program staff UIC). As a courtesy, EPA Headquarters HQ UIC program staff are involved at this stage so that any issues can be identified early on. A crosswalk is basically a tabulation in which we compare State regulatory language to EPA's regulations applicable to Class VI wells, specifically Parts 124, 144, and 146 under Title 40 of the CFR, to ensure they are at least as stringent as the Federal requirements. Under Section 1422 of the SDWA, the State's program must meet the

requirements of EPA UIC regulations in order to receive their Class VI Primacy. The If necessary, the State would revise their Memorandum of Agreement, Program Description, MOA, PD, and rules based on EPA inputs/recommendations from their submitted crosswalk. The final application should include these revised documents so the process could go smoothly.

**Question #4.** What is the status of the Louisiana's application for Class VI primacy?

The EPA completed their review of the Louisiana Department of Natural Resources (LDNR) Package and identified some issues. These were emailed to the LDNR on 8/3/2022 and the state is currently working on their response.

**Question #5.** When did EPA receive Louisiana's application for Class VI primacy?

On 7/24/2020 LDNR submitted their draft application. (Phase 1 – Pre-application). On 4/21/2021, LDNR submitted their “official” application for Class VI primacy (Phase 2 – Completeness Review and Determination).

**Joe Robledo**

Press Officer

U.S. EPA Region 6

Office of External Affairs

Work Cell (469-570-9896)

[Robledo.joseph@epa.gov](mailto:Robledo.joseph@epa.gov)

